

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	Bankruptcy No. 09 B 22432
)	
HAYNES, JEWELL,)	Chapter 13
)	Hon. Pamela S. Hollis
Debtor.)	
)	Date: 11/16/09 at 10:30 a.m.

NOTICE OF HEARING

To: 1. **Office of Marilyn O. Marshall**, Chapter 13 Trustee (via ECF)
2. **Codilis & Associates, P.C., attorneys for Chase Home Finance**, 15W030 North Frontage Road, Suite 100, Burr Ridge, IL 60527 (via ECF)

PLEASE TAKE NOTICE that on the 16th day of November, 2009, at 10:30 a.m., I shall appear before the Honorable Pamela S. Hollis, in Courtroom 644 at the United States Bankruptcy Court, Northern District of Illinois, 219 S. Dearborn, Chicago, Illinois, and shall there and then present the attached: Debtor's Objection to Claim No. 5 filed by Chase Home Finance LLC, at which time you may appear and be heard.

LAW OFFICE OF PETER L BERK

By: _____/s/ Peter L Berk

Law Office of Peter L Berk
79 West Monroe, Suite 900
Chicago, Illinois 60603
312/759-2838

PROOF OF SERVICE

I, Peter L Berk, an attorney, certify that a copy of this Notice and Motion were sent to the parties as indicated above, via ECF electronic transmission, by 7 p.m. on the 3rd day of November, 2009.

_____/s/ Peter L Berk

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**DEBTOR'S OBJECTION TO CLAIM NO. 5
FILED BY CHASE HOME FINANCE**

NOW COMES the Debtor, Jewell Haynes (the "Debtor"), by and through her attorney, Peter L Berk, and for her Objection to Claim No. 5, filed by Chase Home Finance LLC ("Chase"), states as follows:

1. On June 19, 2009 (the "Petition Date"), the Debtor filed her Petition for Relief under Chapter 13 of the United States Bankruptcy Code.

2. Subsequently, Chase filed amended Proof of Claim No. 5 listing secured debt in the amount of \$183,708.34, and an "amount of arrearage and other charges" of \$9,293.48. See Exhibit A. Chase holds the first mortgage against the Debtor's home located at 7604 S Evans, Chicago, Illinois.

3. On the basis of its proof of claim, Chase also filed an objection to the Debtor's Chapter 13 Plan, as the Debtor's Plan proposes to repay an arrearage of only \$5,434.51.

4. At the request of Debtor's counsel, Chase, through its attorneys at Codilis & Associates ("Codilis"), provided a payment history listing certain pre-petition payments received from the Debtor. A copy of the payment history is attached as Exhibit B.

5. The payment history is missing at least two payments made by the Debtor, which Chase has evidently failed to credit to the Debtor's account.

6. One payment, in the amount of \$1,208.46, was made by a Chase cashier's check on or about October 8, 2008. A copy of the check, front and back, along with a printout from Chase showing the posting date for the check, is attached as Exhibit C.

7. The other payment, in the amount of \$1,240.00, was made by Western Union Quick Collect Money Transfer, on or about April 22, 2009. The confirmation from Western Union is attached as Exhibit D.

8. The Debtor is currently researching whether there are any other payments that have not been applied to her account.

9. On account of Chase's failure to credit the aforementioned payments, the Chase Proof of Claim should be reduced by a minimum of \$2,448.48, to \$181,259.86. The arrearage claim should be reduced to \$6,845.00.

10. Assuming that Chase has not failed to credit any other payments, the Debtor would amend her Plan to pay the arrearage claim of \$6,845.00, thereby resolving Chase's Objection to Confirmation of the Plan.

11. The Debtor requests that the Court hear this objection on shortened notice of 12 days. Chase has had prior notice of the objection, as Debtor's counsel sent the proof of payments to counsel for Chase on October 19, 2009. Shortened notice will also allow this Objection to be heard simultaneously with the continued hearing to consider confirmation of the Debtor's Chapter 13 Plan.

WHEREFORE, the Debtor respectfully requests that the Court enter an order reducing the amount of Chase Claim No. 5 as requested above, and for such other and further relief in the Debtor's favor as is just and necessary.

Respectfully submitted,

JEWELL HAYNES

By: /s/ Peter L Berk
One of her attorneys

Law Office of Peter L Berk
Peter L Berk, Esq. # 6274567
79 W. Monroe St., Suite 900
Chicago, IL 60603
(312) 759-2838